

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

MICHAEL W. SULLIVAN, ET AL.,)	
)	
Plaintiffs,)	Case No. 2:13CV00040
)	
v.)	ORDER CERTIFYING CLASS
)	
NINE MILE MINING, INC.,)	By: James P. Jones
)	United States District Judge
Defendant.)	

Plaintiffs have filed a Motion for Class Certification and Time for Class Discovery. No timely objections to the motion have been filed. It appearing proper, and after due consideration by the court, the motion (ECF No. 26) is GRANTED.

1. This action is hereby certified as a class action pursuant to Rule 23(b)(1) and (3) of the Federal Rules of Civil Procedure. The class certified (the “Class”) is defined as follows, subject to any later modification pursuant to Rule 23(c)(1)(C):

All persons who were employed by Nine Mile Mining, Inc., at or in connection with the Nine Mile One mine and/or Nine Mile Three mine in Wise County, Virginia, and who were terminated or otherwise subjected to an employment loss as a result of a mass layoff or plant closing within the meaning of the WARN Act on or about May 17, 2013.

2. Plaintiffs Michael W. Sullivan, David A. Sullivan, Thomas Robinette, Jeremy Pennington, Clark Stanton, and Jamie Barger are appointed as Class representatives.

3. The following are appointed jointly as Class counsel: Hugh F. O'Donnell of Client Centered Legal Services of Southwest Virginia; Paul G. Beers, Devon J. Munro, and Andrea Hopkins of Glenn, Feldman, Darby & Goodlatte.

4. The court will permit discovery as to possible modification of the class definition as well as to the merits of the case and will entertain future motions for modification of the class definition. The court intends to enter a scheduling order fixing a trial date as well as deadlines for discovery and future motions.

5. Plaintiffs will submit to the court a proposed notice document after conferring with opposing counsel.

It is so **ORDERED**.

ENTER: February 11, 2014

/s/ James P. Jones

United States District Judge